

**FINAL REGULATIONS
ADOPTED BY THE BOARD OF MEDICINE
FEBRUARY 6, 2003**

**PART I.
GENERAL PROVISIONS.**

18 VAC 85-40-10. Definitions.

A. The following words and terms when used in this chapter shall have the meaning ascribed to them in § 54.1-2900 of the Code of Virginia.

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B. The following words and terms when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

“AARC” means the American Association for Respiratory Care.

“*Accredited educational program*” means a program accredited by the Committee on Accreditation for Respiratory Care or any other agency approved by the NBRC for its entry level certification examination.

“*Active practice*” means a minimum of 160 hours of professional practice as a respiratory care practitioner within the 24 month-period immediately preceding renewal or application for licensure if previously licensed or certified in another jurisdiction. The active practice of respiratory care may include supervisory, administrative, educational or consultative activities or responsibilities for the delivery of such services.

“*Advisory board*” means the Advisory Board on Respiratory Care to the Board of Medicine as specified in § 54.1-2956 of the Code of Virginia.

“*NBRC*” means the National Board for Respiratory Care, Inc.

“*Respiratory care practitioner*” means a person as specified in § 54.1-2954 of the Code of Virginia.

18 VAC 85-40-35. Fees.

The following fees are required:

1. The application fee, payable at the time the application is filed, shall be \$130.
2. The biennial fee for renewal of active licensure shall be \$135 and for renewal of inactive licensure shall be \$70, payable in each odd-numbered year in the license holder’s birth month.

3. The additional fee for late renewal of licensure within one renewal cycle shall be \$50.
4. The fee for reinstatement of a license issued by the Board of Medicine pursuant to § 54.1-2904 of the Code of Virginia, which has lapsed for a period of two years or more, shall be \$180 and must be submitted with an application for licensure reinstatement.
5. The fee for reinstatement of a license pursuant to § 54.1-2921 of the Code of Virginia shall be \$2,000.
6. The fee for a duplicate license shall be \$5, and the fee for a duplicate wall certificate shall be \$15.
7. The fee for a returned check shall be \$25.
8. The fee for a letter of good standing/verification to another jurisdiction shall be \$10; the fee for certification of grades to another jurisdiction shall be \$25.

18 VAC 85-40-40. Application requirements.

An applicant for licensure shall submit the following on forms provided by the board:

1. A completed application and a fee as prescribed in 18 VAC 85-40-80.
2. Verification of professional education in respiratory care as required in 18 VAC 85-40-45.
3. Verification of practice as required on the application form.
4. ~~Documentation~~ Evidence of passage of the national examination as required in 18 VAC 85-40-50.
5. If licensed or certified in any other jurisdiction, documentation of active practice as a respiratory care practitioner and verification that there has been no disciplinary action taken or pending in that jurisdiction.

18 VAC 85-40-45. Educational requirements.

An applicant for licensure shall:

1. Be a graduate of an accredited educational program for respiratory care practitioners; or
2. Hold current credentialing as a Certified Respiratory Therapist (CRT) or a Registered Respiratory Therapist (RRT) from the NBRC or any other credentialing body determined by the board to be equivalent.

18 VAC 85-40-50. Examination requirements.

An applicant for a license to practice as a licensed respiratory care practitioner shall submit to the board ~~written evidence, verified by affidavit,~~ that the applicant has passed the NBRC entry level examination for respiratory care, or its equivalent as approved by the board.

**PART III.
RENEWAL AND REINSTATEMENT.**

18 VAC 85-40-60. Renewal of license.

A. Every licensed respiratory care practitioner intending to continue his licensure shall biennially in each odd-numbered year in his birth month:

1. Register with the board for renewal of his license;
2. Pay the prescribed renewal fee at the time he files for renewal; ~~and~~
3. ~~Engage~~ Attest that he has engaged in active practice as defined in 18 VAC 85-40-10- ~~[or present other documented evidence acceptable to the board that he is prepared to resume practice]; and~~
4. Attest to having met the continuing education requirements of 18 VAC 85-40-66.

B. A respiratory care practitioner whose licensure has not been renewed by the first day of the month following the month in which renewal is required shall pay a late fee as prescribed in 18 VAC 85-40-80.

18 VAC 85-40-61. Inactive license.

A. A licensed respiratory therapist who holds a current, unrestricted license in Virginia shall, upon a request on the renewal application and submission of the required fee, be issued an inactive license. The holder of an inactive license shall not be entitled to perform any act requiring a license to practice respiratory care in Virginia.

B. To reactivate an inactive license, a licensee shall:

1. Submit the required application;
2. Pay a fee equal to the difference between the current renewal fee for inactive licensure and the renewal fee for active licensure; and
3. Submit information on continued practice in another jurisdiction or other evidence of competency to return to active practice to include 10 hours of continuing education for each year in which the license has been inactive, not to exceed three years.

C. The board reserves the right to deny a request for reactivation to any licensee who has been determined to have committed an act in violation of § 54.1-2914 of the Code of Virginia or any provisions of this chapter.

18 VAC 85-40-65. Reinstatement.

- A. In order to reinstate license which has been lapsed for more than two years, a respiratory care practitioner shall file an application for reinstatement, pay the fee for reinstatement of his licensure as prescribed in 18 VAC 85-40-80, and submit to the board evidence of competency to practice to include 10 hours of continuing education for each year in which the license has been lapsed, not to exceed three years. The board may specify additional requirements for reinstatement of a license so lapsed to include education, experience or reexamination.
- B. A respiratory care practitioner whose licensure has been revoked by the board and who wishes to be reinstated shall make a new application to the board, fulfill additional requirements as specified in the order from the board and make payment of the fee for reinstatement of his licensure as prescribed in 18 VAC 85-40-80 pursuant to § 54.1.2921 of the Code of Virginia.

18 VAC 85-40-66. Continuing education requirements.

- A. On and after January 1, 2005, in order to renew an active license as a respiratory care practitioner, a licensee shall attest to having completed 20 hours of continuing respiratory care education as approved and documented by a sponsor recognized by the AARC within the last biennium.
- B. A practitioner shall be exempt from the continuing education requirements for the first biennial renewal following the date of initial licensure in Virginia.
- C. The practitioner shall retain in his records the completed form with all supporting documentation for a period of four years following the renewal of an active license.
- D. The board shall periodically conduct a random audit of its active licensees to determine compliance. The practitioners selected for the audit shall provide all supporting documentation within 30 days of receiving notification of the audit.
- E. Failure to comply with these requirements may subject the licensee to disciplinary action by the board.
- F. The board may grant an extension of the deadline for continuing competency requirements, for up to one year, for good cause shown upon a written request from the licensee prior to the renewal date.
- G. The board may grant an exemption for all or part of the requirements for circumstances beyond the control of the licensee, such as temporary disability, mandatory military service, or officially declared disasters.

~~18 VAC 85-40-80. Fees.~~

~~The following fees are required:~~

- ~~1. The application fee, payable at the time the application is filed, shall be \$130.~~
- ~~2. The biennial fee for renewal of active licensure shall be \$135 and for renewal of inactive licensure shall be \$70, payable in each odd-numbered year in the license holder's birth month.~~

- ~~3. The additional fee for late renewal of licensure within one renewal cycle shall be \$50.~~
- ~~4. The fee for reinstatement of a license issued by the Board of Medicine pursuant to § 54.1-2904 of the Code of Virginia, which has lapsed for a period of two years or more, shall be \$180 and must be submitted with an application for licensure reinstatement.~~
- ~~5. The fee for reinstatement of a license pursuant to § 54.1-2921 of the Code of Virginia shall be \$2,000.~~
- ~~6. The fee for a duplicate license shall be \$5, and the fee for a duplicate wall certificate shall be \$15.~~
- ~~7. The fee for a returned check shall be \$25.~~
- ~~8. The fee for a letter of good standing/verification to another jurisdiction shall be \$10; the fee for certification of grades to another jurisdiction shall be \$25.~~

Certification

I certify that this regulation is full, true, and correctly dated.

William L. Harp, M.D.
Executive Director
Virginia Board of Medicine

Date: _____